

March 16, 2009

TO: Teresa Parsons  
Director's Review Program Supervisor

FROM: Meredith Huff, SPHR  
Director's Review Investigator

SUBJECT: Douglas Aerni v. Department of Social and Health Services (DSHS)  
Allocation Review Request ALLO-08-003

#### **Director's Review Conference**

Mr. Douglas Aerni, Ms. Cheryl Vettters and Ms. Brenda Busch requested a Director's Review of their positions' allocations by individually submitting Request for Director's Review forms. On February 12, 2009, I conducted a Director's review conference. Present by phone were Mr. Douglas Aerni, Ms. Cheryl Vettters and Ms. Brenda Busch, employees. Present in person for the review at the Personnel Resources Board's office at 2828 Capitol Blvd. in Olympia, WA was Ms. Pam Pelton, Classification Manager and DSHS Secretary's designee, representing DSHS. Mr. Aerni's, Ms. Vettters' and Ms. Busch's duties and responsibilities are similar and the information provided applies to all the positions.

#### **Director's Determination**

As the Director's review investigator, I carefully considered all of the documentation in the file, the class specifications, and the information provided during the Director's review conference. Based on my review and analysis of Mr. Aerni's assigned duties and responsibilities, I determined his position should be reallocated on a best fit basis to Office Manager, class code 106J.

#### **Background**

Mr. Aerni, Ms. Vettters and Ms. Busch each requested a reallocation by individually submitting completed and signed Position Review Requests (PRR). The employees were allocated to Office Manager and proposed that Manager, Office Services 1 would be a better fit for their positions' assigned responsibilities. On December 11, 2007, Ms. Pelton issued allocation determinations: Mr. Aerni's and Ms. Vettters' positions were reallocated to Administrative Assistant 3 and Ms. Busch's position was reallocated to the Office Support Supervisor 2. Mr. Aerni, Ms. Vettters and Ms. Busch each requested a Director's Review of DSHS' determinations.

#### **Summary of Comments from Mr. Aerni, Ms. Vettters and Ms. Busch**

Mr. Aerni, Ms. Vettters and Ms. Busch were employed as Office Managers in separate DSHS Customer Service Offices (CSO). Mr. Aerni is located at the Okanogan CSO in Omak; Ms. Vettters is located at the Tri County CSO in Colville; and Ms. Busch is located at the Spokane

North CSO in Spokane. Each employee reports directly to a Community Services Office Administrator (COSA).

The employees stated that they independently manage all aspects of the CSO facilities i.e. buildings, parking areas, equipment, and staff where they are assigned. The employees also manage several outstations and co-located offices. The CSO offices and outstations house community access to DSHS programs such as food stamps, medical and social services; in some instances programs from other agencies such as ESD WorkSource and a clinic for family planning service are also available. Mr. Aerni, Ms. Vettters and Ms. Busch are each responsible for negotiating, securing and signing contracts for services such as janitorial services, equipment purchases and maintenance and building leases.

Mr. Aerni, Ms. Vettters and Ms. Busch verified that they each supervise several staff members. They each participate in hiring, complete performance evaluations, are authorized to take corrective and disciplinary actions and approve leave use for employees they supervise.

Mr. Aerni explained that he manages the Okanogan CSO in Omak and other co-located services. Mr. Aerni noted that policy development goes two ways. He indicated that they participate in policy development by providing input and suggestions for new policies and feedback on how policies in place are or are not working. Mr. Aerni described the Electronic Benefits Transfer (EBT) as a method of providing assistance to qualified people. The EBT card operates similar to a debit card and can be used to purchase food items at stores. A card is issued to new clients and when lost/damaged it is replaced. He noted that some of the problems that he deals with include stores debiting the card more than once, a wrong card is issued, or the money is not replaced. Monthly audits are done to determine if there are problems. Those problems are passed on to financial services in Olympia.

Ms. Busch indicated that she manages the Spokane North CSO and the Deer Park outstation facilities for approximately 100 staff plus up to 30 co-located staff. She manages all aspects of facilities including the lease renewal process (annual cost \$490,020) equipment repair and replacement, and any changes or moves in workstations that are necessary to accommodate the occupants. Ms. Busch estimated that at least once a quarter an office move needs to be made which may include several areas of the building. Ms. Busch remarked that she supervises five employees at the "frontline" reception area which is the first point of contact for the public. The reception employees greet, screen in, provide applications and schedule appointments for clients with the appropriate unit.

Ms. Vettters manages the Tri County CSO that includes offices located in Colville, Newport and Republic. In addition, she sets up and oversees outstation offices in Wellpinit, Nespelem and Inchelium. Ms. Vettters confirmed that she is the direct liaison with the landlord, vendors, contractors and others concerning the maintenance of the parking areas, grounds and the buildings. She arranges for office moves, oversees remodeling projects, orders and disposes of equipment, is actively involved in the bid process for janitorial services and lease contracts for three facilities. She works closely with the supervisors and staff to make certain workstations are setup to enhance work performance.

Mr. Aerni, Ms. Vettters and Ms. Busch took exception to Ms. Pelton's claim that they do not sign contracts; that responsibility is delegated to the CSOA. Mr. Aerni indicated that he is not a "go between" for the COSA and the landlord or other service supplies; rather, he actually

negotiates and signs contracts. The employees also expressed their disagreement at the results of their requests for position reviews. They expressed concerns that the reallocations to lower [salary] classes were not reflective of their managerial responsibilities and level of designated authority.

### **Summary of Ms. Pelton's (DSHS) Comments**

In response to Ms. Busch's statement that there are other Office Managers in CMS, and her questions about these three positions being reallocated down, Ms. Pelton discussed the DSHS process of position review. She observed that DSHS administration is aware of misallocation of some positions. This situation resulted from HR employees in different geographical areas doing allocation of positions without communicating across the agency. Ms. Pelton emphasized that a centralized unit responsible for state-wide allocations has received direction to correct allocation inconsistencies, including exempt positions. Ms. Pelton emphasized that the goal is to do no harm to employees. She clarified that a review of a position's allocation takes place when the incumbent sends in an updated position description or requests reallocation.

Ms. Pelton stated that the Community Service Offices (CSO) house program units of larger administrative programs of DSHS and from other agencies. Ms. Pelton maintained that Mr. Aerni's, Ms. Vetter's and Ms. Busch's responsibilities do not represent the agency in total. She argued that these employees do not have final signature authority for the contracts they individually negotiate. She pointed out that her determination letter of December 11, 2007 explains the classifications she examined and details why they are or are not the best fit for these positions. (Exhibit E-6)

Ms. Pelton explained that Mr. Midkiff, the second-level supervisor, expressed how much he values the work and contributions of Mr. Aerni, Ms. Vetter and Ms. Busch. She reported that after explaining the allocation process, Mr. Midkiff supported the reallocation of these positions.

### **Rationale for Director's Determination**

A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which the work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

The Personnel Resources Board (PRB) has held the following:

. . . because a current and accurate description of a position's duties and responsibilities is documented in an approved classification questionnaire, the classification questionnaire becomes the basis for allocation of a position. An allocation determination must be based on the overall duties and responsibilities as documented in the classification questionnaire. Lawrence v. Dept of Social and Health Services, PAB No. ALLO-99-0027 (2000).

### Glossary of Classification Terms

In reviewing these positions, I have used the following terms. The Department of Personnel's Glossary of Classification Terms defines these terms. The Glossary is found at <http://www.dop.wa.gov/HRProfessionals/Classification/>.

**Nature of work** – Refers to the basic types of work assignments performed by the class:

Clerical – Work involves the use of skills required to support office operations.

Administrative – Duties performed involve determining and/or actively participating in making policy, formulating long-range objectives and programs, and reviewing the implementation of programs for conformance to policies and objectives.

Professional – Work (a) requires knowledge of an advanced type in a field of science or learning customarily obtained by a prolonged course of specialized instruction or study; or (b) is original and creative in character in a recognized field or artistic endeavor and the result of which depends on invention, imagination, or talent. Duties are predominately intellectual as distinguished from routine or mechanical. Discretion and independent judgment must be exercised in carrying out assignments.

Technical – Work requires specialized knowledge or skills which are gained through academic and/or vocational courses such as those offered in technical and community colleges, or equivalent on-the-job training.

Supervisory – Work involves assigned responsibility for participation in (1) selection of staff, (2) training and development, (3) planning and assignment of work, (4) evaluating performance, (5) adjusting grievances, and (6) taking corrective actions. Participation in these functions must not be of a merely routine nature but requires the exercise of individual judgment.

Managerial – Duties performed involve planning, coordinating, integrating, executing, controlling and evaluating activities and functions of an organization including formulating budget, policies and procedures, service delivery, and staff supervision.

**Program** – A specialized area, which has specific complex components and discrete tasks that distinguish it from other programs (or the main body of an organization). A program is specific to a particular subject and has a specific mission, goals, and objectives. A program typically has an identifiable funding source and separate budget code.

The specific components and discrete, specialized tasks involve interpretation of policies, procedures and regulations, budget coordination/administration, independent functioning, and typically, public contact relating specifically to program subject matter, clients and participants.

Duties are not of a general support nature transferable from one program to another. Performance of clerical duties is in support of incumbent's performance of specialized tasks. Independent performance of the specialized tasks usually requires a training period of not less than six months.

### Position Description

Mr. Aerni summarized his position's purpose as "Facility management is the primary function of my position. It includes the operation for my office [Okanogan CSO], other collocated divisions, five outstations and assist with another collocated agency (WorkSource). I also supervise four employees with the responsibility of reception and all the other support services functions." (Exhibit E-5b, page 1) Mr. Aerni breaks down his job duties, in part, as follows:

### **55% Facility Management and Offices Services**

Direct liaison with the landlord, vendors, contractors and others regarding maintenance of facility, grounds and parking area (to include office moves, space layout, remodels, lease renewals, and negotiating contracts). Manage the security system...

**Office Services:** Local budget activity, telecommunications, leave management, inventory, purchase, LEP coordination, transportation office, volunteer coordinator, safety officer and safety committee chairperson. Delegated authority for authorization of these types of services. High dollar amounts involved as noted in the PDF.

**35% Supervision:** All supervisory responsibilities are applied to a team of customer service employees and office assistance employees who have extremely active workload serving customers on the frontline.

**5% Management Team Member** Has direct input with the administrator and other members of the management team regarding operating guidelines and expectations. Review, evaluates and prepares final products. Backup or act on behalf of the administrator as specified by the administrator.

**5% Team Leader/Committee Participation:** Office coordinator for disaster planning, electronic benefits transactions (EBT), safety committee and reception/office support meetings. (Exhibit E-5b)

Ms. Lois Sims, supervisor, noted on the Position Review Request form that the level of supervision she provides for Mr. Aerni is *"Little, employee responsible for devising own work methods."* (Exhibit E-5b)

### Administrative Assistant 3 (AA3) (class code 105G)

To determine if a position should be allocated to any level of the Administrative Assistant series, it must meet the Definition criteria of the Administrative Assistant 1 (AA1)(class code 105E). The **Definition states** "Provides para-professional administrative and staff assistance to a professional supervisor by reviewing, controlling, prioritizing and coordinating the work of the supervisor's professional staff; or performs technical work which is directly delegated from a professional position." (emphasis added).

The Personnel Appeals Board has found that "for a position to be allocated to any level of the Administrative Assistant series, it must first meet the allocating criteria for Administrative Assistant 1. The key criteria is related to the supervisor's delegation and the incumbent's performance of reviewing, controlling, prioritizing and coordinating functions of the supervisor's subordinate *professional* staff. The extent of such involvement and performance by the incumbent is most important." See Deitrick v DSHS and DOP PAB Case no. A85-1. Mr. Aerni's responsibilities do not involve reviewing, controlling, prioritizing and coordinating functions of the supervisor's subordinate professional staff.

The second part of the Definition of the AA1 states "or performs technical work which is directly delegated from a professional position." Mr. Aerni's duties and responsibilities are not *technical* in nature as defined in the Glossary of Terms. Mr. Aerni's position does not meet the requirements of the Definition of the Administrative Assistant 1.

However, as the agency reallocated this position to the Administrative Assistant 3, I've also reviewed that class. The **Definition** for the Administrative Assistant 3 reads: "Positions perform *varied administrative and secretarial support duties* or positions are responsible for one or more major program activities under a *second line supervisor*."

The job description for Mr. Aerni's supervisor (Exhibit E-2 page 11) lists the supervised programs as "Income Assistance grants, Food Stamps, Medical Assistance, Refugee, WorkFirst support service allocation, Child Care." Mr. Aerni has not been delegated "varied administrative and secretarial support duties for one or more [of the] major program activities" managed by his supervisor.

Rather, Mr. Aerni supports these programs by managing all aspects of the facilities, including equipment, where the programs' employees are housed. He supervises the frontline customer services staff. Mr. Aerni's assigned responsibilities and duties do not meet the requirements encompassed in the Glossary's definition of program nor in the Definition of the Administrative Assistant 3. This class is not the best fit for Mr. Aerni's position's assigned responsibilities.

Office Support Supervisor 2 (OSS2)(class code 100M)

The Class Series Concept for the Office Support Supervisor series states: "*Supervises staff and oversees clerical support operations.*"

The Definition of the OSS2 states: "*Supervises staff and/or lower level supervisors assigned to a variety of occupational categories **or** performing a variety of office support functions such as accounting, office support, data entry and inquiry, or word processing. Incumbents spend a majority of time overseeing and coordinating day-to-day unit operations, use independent judgment to accomplish assignments or solve problems, develop new work methods, procedures, or strategies or modify existing work methods, procedures, and strategies to solve new or unusual problems that impact the unit and requester of services, and plan and prioritize work to meet internal and external deadlines.*"

Mr. Aerni indicated that he spends 35% of his work time supervising two Customer Service Specialist 2 and two Office Assistant 3 employees. This responsibility does not meet the requirements of the Definition to supervise staff in a variety of occupation categories or performing a variety of office support functions. Further, Mr. Aerni's position's responsibilities for managing the facilities for the Okanogan CSO office require 55% of his work time. That major responsibility is not addressed in the OSS2 classification. The OSS2 is not an appropriate class for allocation of Mr. Aerni's position as his responsibilities do not meet the anticipated variety and scope of office support functions discussed in the Definition.

Manager, Office Services 1 (OSM1) (106K)

The **Definition** of the OSM1 states: "*In a large State agency, assists in the general planning, directing, and controlling of office services and business management functions; or, plans/directs and controls the office services and business management functions in a medium-sized State agency.*"

The **Distinguishing Characteristics** state in part:

*“A. Serves as a principal assistant to a supervisor equivalent to Manager, Office Services 3. In this capacity, incumbents supervise three or more lower level subordinates; and are responsible for two or more office service and business management functions listed in B.*

*OR*

*B. Supervises the office services and business management functions in a medium-sized State agency. Agency-wide responsibilities should include the following functions: purchasing, inventory control and supply, equipment and office space need determination and utilization, mail distribution, forms analysis, printing/reproduction services, and vehicle utilization and travel arrangements. Incumbents must be responsible for at least four of these functions; and provide office support and business management services in an agency with more than two hundred employees.”*

As specified in the Definition, Mr. Aerni's position is located in a large State agency. Through his position's assigned responsibilities, he does assist in the general planning, directing and controlling of office services and business management functions of the Okanogan CSO. However, Mr. Aerni's position's responsibilities for office space need determination, purchasing, inventory control and supply as required in the Distinguishing Characteristics, are limited to the Okanogan CSO. Mr. Aerni's assigned responsibilities are local rather than agency-wide as required by the Distinguishing Characteristics of this class. Mr. Aerni's assigned responsibilities do not have the breadth of scope and impact that is anticipated by the Definition and Distinguishing Characteristics of this class. The OSM 1 is not an appropriate classification for allocation of Mr. Aerni's position.

Customer Service Manager 4 (CSM4) (class code 103D)

The **Class Series Concept** for the CSM4 states: *“Positions in this series manage agency-wide programs that provide assistance and problem resolution to agency clients/customers. The intent of the series is to develop agency wide policies and procedures relating to client/customer service and to manage and supervise customer service units.”*

The **Definition** of the CSM4 states: *“Manages a customer service unit for an agency.”*

Mr. Aerni's position is not assigned responsibility to manage agency-wide programs that provide assistance and problem resolution to agency clients or to develop agency wide policies and procedures relating to client/customer service. Mr. Aerni's position does not manage a customer service unit. However, Mr. Aerni supports agency-wide programs by managing the Okanogan CSO facilities, including space layout and equipment, where the programs' employees work. He supervises the frontline customer services. Mr. Aerni's assigned responsibilities and duties do not meet the agency-wide impact and scope of responsibility encompassed in the Class Concept and Definition of the Customer Service Manager 4. This class is not the best fit class for Mr. Aerni's position.

Office Manager (OM) (class code 106J)

The **Definition** of the Office Manager class states: *“Plans, organizes, assigns, and supervises varied and extensive processing and service units and related central office activities.”*

While not allocating criteria, the **Typical Work** provides further description of the work usually performed by incumbents allocated to the Office Manager classification. In summary, an Office Manager would normally perform the breadth of work necessary to design office space layouts

to facilitate flow of office work between units; determine needs for office equipment, furniture, and supplies; coordinate purchasing and maintenance; maintain liaison and coordination between service, technical or professional units; install filing systems; arrange for records classification, retention, and disposition; supervise transportation requests, including use of pool and department automobiles; and arrange for maintenance contracts and emergency repairs.

Mr. Aerni's Position Description states that he is responsible as an Office Manager for the Okanogan Community Services office which accommodates 35 CSO staff and 30 co-located staff. In addition, he manages five outstations located in other areas. He independently manages the space layout for the office to facilitate the flow of the office work among units; he works closely with supervisors to ensure workstations are setup to best accommodate the employees in performing their work. He oversees office moves, changes in workstations, and all remodeling jobs. He manages the ordering, service contracts, and disposal of equipment, furniture and supplies. He oversees, monitors and negotiates janitorial and grounds maintenance service contracts. He is responsible for the CSO's five motor pool vehicles. He has responsibilities for the security system, budget reports for the administrator, and telecommunications which includes the PBX voice messaging system. In addition Mr. Aerni supervises four employees and their work at the front desk/reception area. Mr. Aerni submitted a negotiated contract as a sample of his level of authority. (Exhibit A-10) Ms. Lois Sims, the immediate supervisor, agrees by signature that the duties are described accurately and indicates the level of supervision she exercises for this position is "little- employee responsible for devising own work methods."

Ms. Pelton, on behalf of the agency, submitted a breakdown of the Office Manager Definition which appears to be used for allocation purposes. I have reviewed and considered the definition; however, I have relied upon the definitions found in the Glossary of Classification Terms.

Mr. Aerni's overall duties do have the depth and breadth of responsibilities found at the level of Office Manager. I find that Mr. Aerni's responsibilities are a best fit to the scope and level of responsibility encompassed in the Office Manager class. Mr. Aerni's position should have remained allocated to the Office Manager class.

### **Appeal Rights**

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board . . . . Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The address for the Personnel Resources Board is 2828 Capitol Blvd., P.O. Box 40911, Olympia, Washington, 98504-0911.



Douglas Aerni v DSHS  
Allocation Review Request ALLO-08-003

If no further action is taken, the Director's determination becomes final.

cc: Douglas Aerni  
Pam Pelton, DSHS  
Lisa Skriletz, DOP

Enclosure: List of Exhibits

List of Exhibits

A. Filed by employee January 9, 2008:

1. Director's Review Request on PRB Appeal Form.
2. DSHS allocation determination letter December 11, 2007.
3. Position Description Form dated August 2007.
4. Manager, Office Services 1 classification (class code 106K).
5. Office Manager classification (class code 106J).
6. Administrative Assistant 3 classification (class code 105G).
7. Assessment of job performance.
8. Position Action Request, August 2007.
9. Position Review Request, August 2007.
10. Rental contract example, April 2005 submitted February 13, 2009.

B. Filed by agency February 7, 2008:

E-1 (Linda Millican) Position Description July 30, 2007 CSOA WMS PDF (withdrawn)

**E-2 Douglas Aerni Position Description Aug. 2, 2007 including:  
Okanogan County CSO organization chart dated Oct. 1, 2007 (pg 7);  
Supervising CSOA WMS Position Description (pg 9); and  
Okanogan CSO organization chart dated January 10, 2002 (pg 15).**

E-3 (Cheryl Vettters) Position Description Aug. 3, 2007 CSOA WMS PDF

E-4 (Brenda Busch) Position Description Sept. 24, 2007 CSOA WMS PDF

**E-5 Position Review Request Forms:**

- a. Linda Millican (position C908) 8/25/2007 (withdrawn)
- b. Douglas Aerni (position CA53) 8/23/2007 (HR stamp Oct 11 2007)**
- c. Cheryl Vettters (position CY62) 8/21/2007
- d. Brenda Busch (position LN52) 9/24/2007

**E-6 Agency Decision letters for reallocation 12/11/2007**

**E-7 Position Description Forms**

- a. Linda Millican 3/25/2005 (withdrawn)
- b. Douglas Aerni 7/25/2005**
- c. Cheryl Vettters 3/25/2005
- d. Brenda Busch 3/25/2005

E-8 Administration Assistant 3 class specification (class code 105G)

E-9 Office Support Supervisor 2 class specification (class code 100M)

E-10 Office Manager class specification (class code 106J)

E-11 Manager, Office Services 1 class specification (class code 106K)

E-12 December 31, 2008 email from Brenda Busch, requesting consideration for Customer Service Manager 4 class, with attachments:

- a. Open Position #0120 Position Description Form
- b. Customer Service Manager 4 recruitment

E-13 January 5, 2009 email from Pam Pelton, with analysis of Customer Service class series.

Exhibits submitted by Pam Pelton, DSHS Classification Manager, February 12, 2009:

E-14 Office Manager definition breakdown

E-15 E-mail from Pam Pelton re: review summary of positions, with e-mail from Ilene LeVee attached, dated November 20, 2007.

E-16 E-mail exchange, Pam Pelton and Michael Midkiff, re: confirming employees' notification of reallocation denial, December 10/11, 2007.

C. Administrative Assistant 1 (class code 105E)